

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW YORK

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BRIAN FIELMAN, on behalf of himself and all  
others similarly situated,

Plaintiff,

v.

PEPSICO, INC., THE PEPSI BOTTLING GROUP,  
INC., and PEPSI BOTTLING VENTURES LLC,

Defendants.  
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07 CIV 6815

DECLARATION OF DIANE  
PETROCCIONE IN SUPPORT  
OF DEFENDANTS' MOTION  
TO DISMISS

X

DIANE PETROCCIONE, pursuant to 28 U.S.C. § 1746, declares under penalty of  
perjury as follows:

1. I am the Senior Manager, Scientific Regulatory Affairs, of Defendant PepsiCo,  
Inc. and submit this declaration on the basis of personal knowledge in support of the Motion to  
Dismiss by Defendants PepsiCo, Inc, The Pepsi Bottling Group, Inc and Pepsi Bottling Ventures  
LLC.

2. I have worked for PepsiCo, Inc. continuously since February 2001. During that  
time, the words "purified drinking water" have always appeared prominently on the front of the  
label of PepsiCo's Aquafina brand bottled water ("Aquafina") sold in New York state.

3. I am attaching hereto as Exhibit A, a true and correct copy of an Aquafina label  
used in New York state.

I declare under penalty of perjury that the foregoing is true and correct. Executed on  
September 18, 2007.



# **EXHIBIT**

# **A**

